

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DELFINO MORA-RIVERA,

Defendant.

Case No. [12-cr-00076-EMC-1](#)

**ORDER DENYING DEFENDANT'S
MOTION FOR SENTENCE RELIEF**

Docket No. 46

Defendant requests relief under the Federal Prison Bureau Non-Violent Offender Relief Act of 2003, H.R. 3575, 108th Cong. (2003). He contends he is eligible for a sentencing reduction under the Act because he is over 45 years old, has not been convicted for a crime of violence, and has demonstrated exemplary conduct through confinement. *See* Docket No. 46.

However, the Act never became law. Before it becomes law, a bill must first be passed by the House of Representatives and the Senate, and then presented to the President; it then becomes law if the President signs it, if he or she fails to take any action within 10 days, or if he or she disapproves and returns it to Congress within 10 days and both Houses then approve the bill by a two-thirds vote. *See* U.S. Const., art. I, § 7, cl. 2. That has not happened. The Relief Act was introduced in the House of Representatives in 2003 but was never passed. It has been re-introduced several times, but never passed. *See* H.R. 256, 109th Cong. (2005); H.R. 261, 110th Cong. (2007); H.R. 61, 111th Cong. (2009); H.R. 223, 112th Cong. (2011); H.R. 62, 113th Cong. (2013); H.R. 71, 114th Cong. (2015); H.R. 64, 115th Cong. (2017). The bill, therefore, has never become law.

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Because Defendant has not presented a legal basis for the Court to modify his sentence, his motion is **DENIED**.

This order disposes of Docket No. 46.

IT IS SO ORDERED.

Dated: November 22, 2017


EDWARD M. CHEN
United States District Judge